

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

PETER DAVIDSON

Plaintiff,

vs.

Civ. No. 18-154 SMV-CG

**NANCY A. BERRYHILL,
Acting Commissioner of
Social Security,**

Defendant.

**ORDER GRANTING STIPULATED MOTION FOR AWARD OF ATTORNEY FEES
UNDER THE EQUAL ACCESS TO JUSTICE ACT**

The Court, having reviewed the parties' Stipulated Motion for Award of Attorney Fees Under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412 (Doc. 24), HEREBY ORDERS that attorney fees be, and hereby are, awarded under the EAJA, payable to Plaintiff in care of her attorney in the amount of \$4,200.00. *See Astrue v. Ratliff*, 560 U.S. 586 (2010) (EAJA fees are paid to the prevailing party, not the attorney). The Court also ORDERS that Plaintiff be reimbursed costs of \$400.00 from the Judgment Fund administered by the U.S. Department of the Treasury.

IT IS FURTHER ORDERED THAT, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).



HONORABLE STEPHAN M. VIDMAR
UNITED STATES MAGISTRATE JUDGE

SUBMITTED AND APPROVED BY:

Filed Electronically 1/3/19
MICHAEL D. ARMSTRONG
Attorney for Plaintiff

Electronically Approved 1/3/19
KATHRYN BOSTWICK
Special Assistant United States Attorney